

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

DEXTRIC WILLIAMS, INDIVIDUALLY AND
ON BEHALF OF THE HEIRS-AT-LAW/
WRONGFUL DEATH BENEFICIARIES OF
JERMAINE WILLIAMS, DECEASED

PLAINTIFF

VS.

CIVIL ACTION NO. 2:10CV215

CITY OF CLEVELAND, MISSISSIPPI; TASER
INTERNATIONAL, INC.; STANLEY PERRY,
INDIVIDUALLY AND IN HIS OFFICAL CAPACITY;
AND BRYAN GOZA, INDIVIDUALLY AND IN HIS
OFFICIAL CAPACITY

DEFENDANTS

**TASER INTERNATIONAL, INC'S
MOTION TO EXCLUDE ECD-RELATED MEDICAL CAUSATION OPINIONS OF
DEPUTY CORONER AND MEDICAL EXAMINER**

Pursuant to *Daubert v. Merrell Dow Pharms.*, 509 U.S. 579 (1993) and Fed. R. Evid. 702, Defendant TASER International, Inc. ("TASER") moves to exclude the wholly unqualified and unreliable medical causation opinions of Bolivar County deputy coroner J.O. Trice, M.D., and Mississippi medical examiner Amy Gruszecki, D.O., that the TASER[®] X26[™] Electronic Control Devices ("ECD") used by officers of the Cleveland Police Department on Jermaine Williams ("Williams") on July 23, 2010, caused or contributed to Williams' death. This motion relates to:

1. The ever-changing opinions Dr. Trice, a convicted felon and general internist whose license to practice medicine was revoked in both Massachusetts and Louisiana for demonstrating "a complete disregard for the law, for the ethics of his profession, for the welfare of his patients and for standards of practice" prevailing in those states. Dr. Trice currently serves

as an unlicensed deputy coroner, who transported Williams' body, observed the autopsy, attempted to influence the opinions of the medical examiner, and spouted off to the media that Williams' death was a homicide attributed "solely to the TASER." Dr. Trice is wholly unqualified to make an ECD cause of death determination in this case, and his speculative opinions are unreliable and lacking in any factual basis; and

2. The unqualified and unsupported opinions of Dr. Gruszecki, the forensic pathologist who performed Williams' autopsy. Dr. Gruszecki concedes she has no relevant ECD or electrical knowledge or experience to support her cause of death determination that Williams died from "[t]oxic effects of cocaine *in association with shocks with taser* during police chase," that no actual autopsy finding supports any ECD contribution, and that the cocaine in Williams' system was enough to kill him without any TASER ECD use.

This motion is supported by TASER's separate Memorandum of Law; simultaneously filed Statement of Facts ("SOF"); TASER's separately filed *Daubert* motion to exclude the wholly unsupported ECD opinions of Mark Seifert, M.D. ("Seifert *Daubert*"), a Phoenix cardiac electrophysiologist retained by Plaintiff; and the Court's entire file in this matter. For the Court's convenience and to eliminate unnecessary duplication, TASER has filed herewith a Consolidated Set of Exhibits jointly supporting these motions. TASER requests oral argument on this motion and requests that the Court set a combined motions hearing to address the overlapping issues presented by its Motion for Summary Judgment and various *Daubert* Motions.

RESPECTFULLY SUBMITTED this 15th day of December, 2011.

TASER INTERNATIONAL, INC.

/s/ David C. Goff
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CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2011, I electronically filed the foregoing with the Clerk of the court using the ECF system which sent notification of the filing to the following:

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